

Federal statute allows "the Supreme Court, any justice thereof, the district courts and any circuit judge" to grant writs of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). A federal petition for a writ of habeas corpus made by a person in custody under the judgment and sentence of a state court is properly filed in either the district of confinement or the district of conviction. Id. § 2241(d). The district court where the petition is filed, however, may transfer the petition to the other district in the furtherance of justice. See id. Federal courts in California traditionally have chosen to hear petitions challenging a conviction or sentence in the district of conviction.

1 See Dannenberg v. Ingle, 831 F. Supp. 767, 767 (N.D. Cal. 1993);  
2 Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

3 Here, Petitioner challenges a conviction and sentence incurred  
4 in the Orange County Superior Court, which is in the venue of the  
5 Southern Division of the Central District of California. See 28  
6 U.S.C. § 84. Accordingly, that is the proper venue for this  
7 action.

8 Pursuant to 28 U.S.C. § 1406(a) and Habeas L.R. 2254-3(b), and  
9 in the interest of justice, the Clerk of the Court is ordered to  
10 TRANSFER this action forthwith to the Southern Division of the  
11 United States District Court for the Central District of  
12 California.

13 All remaining motions are TERMINATED on this Court's docket as  
14 no longer pending in this district.

15 IT IS SO ORDERED.

16 Dated: 3/12/09



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CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

DONYAE DWAYNE HALEY,

Plaintiff,

v.

D K SISTO et al,

Defendant.

Case Number: CV09-00142 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on March 12, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Donyae Dwayne Haley P85449  
2-12-238  
California State Prison - Solano  
P.O. Box 4000  
Vacaville, CA 95696

Dated: March 12, 2009

Richard W. Wieking, Clerk  
By: Sheilah Cahill, Deputy Clerk

United States District Court  
For the Northern District of California